

REMARKS

A petition to extend the time for response by three (3) months is enclosed herewith.

Claims 10, 12-17, and 19-30 were previously pending in the application. By the Amendment, Claims 14, 15, 16, 20, 25, 26 and 29 are currently amended, Claim 13 is canceled without prejudice, and Claims 10, 12, 17, 19, 21-24, 27, 28 and 30 remain unchanged.

Certain claims stand rejected under 35 USC §112. Claims 14-16 stand rejected under 35 USC § 112, first paragraph as being based on a disclosure which is asserted to be non-enabling. This specification is also implicated, with controversy surrounding the use of the alternative term "envelope or insert". The Official Action goes on at length to describe how the structure cannot be both an envelope and an insert.

The Applicants have amended the claims in order to clarify the term "envelope or insert" by asserting the interchangeable nature of the terms "insert" and "bushing". Additionally, the specification has been amended in order to further clarify the term "envelope or insert." Further, it should be understood that the terms are offered as alternative terms for the same structure and do not describe alternative structures. As described in of the present application, the plastic member functions as both an envelope to surround the bearing shell and a bushing to support the bearing. Therefore, the Applicants herein respectfully assert that the rejection of claims 14 and 16 is now moot based on the foregoing amendments and explanation.

Claim 13, 15, 25 and 26 stand rejected under 35 USC section 112, second paragraph as being indefinite. More particularly, claim 13 is assertedly indefinite because of the recitation of the terms "higher strength and quality than the remainder of the container". Claim 13 has been canceled without prejudice and it is respectfully requested that the outstanding rejection thereof be withdrawn.

Claim 20 is assertedly indefinite for the recitation that the "plastic member includes at least one projection extending into the container to form an interlocking engagement". It should not be presumed that the projection defined in the claims projects linearly away from the plastic member into the chamber formed by the container. The projection actually projects radially away from the ring and engages the container body as has been set forth in the amended claims. The projection may be seen in Figure 6 and involves the ring structure engaging with the container body. Claim 26 is also rejected for the same basic reason. Both claims 20 and claim 26 have been amended to indicate that the interlocking engagement is between the plastic member and the container body.

Claim 25 is assertedly indefinite due to confusing language associated with the injected molding process. The claims have been amended in a manner to coincide with the assertion in the Official Action that the limitations were meant to recite that both the plastic member and the container are formed by an injection molding process.

Claim 29 is assertedly indefinite for the recitation of the "plastic member comprising a portion of the container which has not yet been completed." The Applicants have amended claim 29 to remove the language regarding the incomplete container.

Based on the foregoing, all of the claims identified as indefinite or otherwise deficient under 35 USC section 112 have been amended to cure the conditions giving rise to the rejection. Further, the specification has been amended in order to clarify the disclosure. It is therefore respectfully requested that the outstanding rejections under 35 USC section 112 be withdrawn.

The claims also stand rejected under the cited prior art of record. Specifically, Claims 10, 12-14, 16, 17, 19, 21-25, and 27-30 were rejected under 35 USC §103(a) as being unpatentable over EP 219115 to Cinello (Cinello '115). Claims 15, 20 and 26 were rejected under 35 USC §103(a) as being unpatentable over EP 219115 to Cinello (Cinello '115) in view of US 5711170 to Johnson (Johnson '170).

Claim 10 of the present application recites a plastic container for domestic washing machines which internally receives a rotary drum whose axes are mounted on bearings arranged in a bearing shell made of metallic material., The plastic container comprises at least one plastic member that is accommodated on at least one section of the surface of the bearing shell, with the one plastic member and the bearing shell together forming a structural unit, before the remainder of the plastic container is injection-molded onto the structural unit formed by the bearing shell and the plastic member.

Claim 25 of the present application recites a method for making a container for retaining liquids within a washing machine having a rotary drum mounted for rotation with respect to the container. The inventive method includes providing a bearing shell comprised of metallic material and applying a plastic member formed on the bearing shell with an injection molding process. The plastic member and the bearing shell together form an intermediate structure and the plastic member comprises a portion of a container which has not yet

been completed. The inventive method recited in claim 25 of the present application further includes the step of then applying the remainder of the container formed on the plastic member with an injection molding process.

Claim 30 recites a method for making a container for retaining liquids within a washing machine having a rotary drum mounted for rotation with respect to the container. The inventive method for making a container includes the steps of providing a bearing shell comprised of metallic material and applying a plastic member on the bearing shell via an injection molding process, the plastic member and the bearing shell together forming an intermediate structure and the plastic member comprising a portion of a container which has not yet been completed. The method recited in new independent method claim 30 further includes the step of forming the remainder of the container on the intermediate structure with an injection molding process after the plastic member applied on the bearing shell has at least partially cured following the step of applying.

Cinello '115 discloses a method for making a laundering tub of a plastic material. In a first molding step, a spacer element 19 is formed in the shape of a cylindrical sleeve. Thereafter, in a next molding step, a bearing 12, the spacer element 19, and a bearing 13 are pre-positioned in a mold and plastic material is injected thereabout so as to form a cylindrical wall 25 of a sleeve 14. Then, in a third molding step, the sleeve 14 is pre-positioned in a mold and a plastic material is injected to complete the formation of a tub 5.

Johnson '170 discloses a laundry appliance 10 is shown having a cabinet 12 having a splined shaft 78 that extends rearwardly from the rear wall 72 of fabric basket 64 through a bearing 88 mounted within a spinner support 80. The spinner support 80 is comprised of a circular plate 82 having rearwardly

projecting vertical ribs 84 and also having a centrally located circular motor cavity 86 provided on the rear surface thereof.

It is submitted that none of the cited prior art teaches or discloses the present invention. For example, several differences between the method for making a laundering tub of a plastic material disclosed in Cinello '115 and the method of the present invention as exemplarily recited in claim 25 of the present application are readily apparent. As one example, attention is directed to the method disclosed in Cinello '115. This prior art method involves two molding steps to form a structure that ultimately supports a rotation shaft – namely, the structure of the sleeve 14 – and thereafter involves a third step in which the entire injection of all of the plastic material to form the tub 5 is then accomplished in a single step once this sleeve 14 has been pre-positioned in a mold. In contrast, in accordance with the method of the present invention, the tub or “container” is formed by a two step molding sequence with the first step of the molding sequence being the application of a plastic member on the bearing shell with an injection molding process (the plastic member and the bearing shell together then form an intermediate structure) and the second step of the molding sequence being the application of the remainder of the container on the intermediate structure with an injection molding process.

As another example of the differences between the method disclosed in Cinello '115 and that of the present invention, Cinello '115 discloses forming a plastic structure (the sleeve 14) about which its tub 5 is then formed by injection molding. In contrast, the method of the present invention first applies a plastic member on a bearing shell comprised of metallic material, as recited, for example, in claims 23 and 29 of the present application.

Likewise, several differences between the method for making a laundering tub of a plastic material disclosed in Johnson '170 and the method of the present invention as exemplarily recited in claim 25 of the present application are readily apparent and it is clear that Johnson '170 does not remedy the deficiencies of Cinello '115.

Applicants also submit that Cinello ' 115 and Johnson '170 cannot be properly combined to reject claims 13-17, 24, and 25 under 35 USC §103(a). A critical step in analyzing the patentability of claims pursuant to 35 U.S.C. § 103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. See *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher." *Id.* (quoting *W.L. Gore & Assocs. Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed. Cir. 1983)).

Applicants respectfully believe that any teaching, suggestion, or incentive possibly derived from the prior art is only present with hindsight judgment in view of the instant application. "It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps. . . . The references themselves must provide some teaching whereby the applicant's combination would have been obvious." *In re Gorman*, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991) (emphasis added by applicants). Here, no such teaching is present in either Cinello et '115 or Johnson '170. It is submitted that there is no "clear and particular" teaching or suggestion in Cinello '115 to incorporate the

features of Johnson '170, and there is no teaching or suggestion in Johnson '170 to incorporate the features of Cinello '115.

For these and other reasons, Cinello '115 does not disclose the subject matter defined by independent Claims 10, 19, 25 and 29. Therefore, Claims 10, 19, 25 and 29 are allowable. Claims 12-17 depend from Claim 15, Claims 20-24 depend from Claim 19, Claims 26-28 depend from Claim 25, and Claim 30 depends from Claim 29, and all are allowable for the same reasons and also because they recite additional patentable subject matter.

For these and other reasons, Cinello '115 and Johnson '170, either alone or in combination, do not teach or suggest the subject matter defined by dependent Claims 15, 20 and 26. Therefore, Claim 15, 20 and 26 are allowable. Claims 15, 20 and 26 depend from Claim 10, 9 and 25 and are allowable for the same reasons and also because they recite additional patentable subject matter.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 10, 12, 14-17 and 19-30 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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